

# California State Board of EducationFinal Minutes September 11, 2024

## Members Present

* Linda Darling-Hammond, President
* Cynthia Glover Woods, Vice President
* Francisco Escobedo
* Gabriela Orozco-Gonzalez
* Brenda Lewis
* James J. McQuillen
* Sharon Olken
* Kim Pattillo Brownson
* Haydee Rodriguez
* Alison Yoshimoto-Towery
* Julia Clauson, Student Member

## Secretary & Executive Officer

* Tony Thurmond, State Superintendent of Public Instruction, Secretary and Executive Officer

## Members Participating Remotely

* None

## Members Absent

* None

## Principal Staff

* Brooks Allen, Executive Director, State Board of Education (SBE)
* Jessica Holmes, Chief Deputy Executive Director, SBE
* Lisa Constancio, Senior Deputy Director, SBE
* Kirin Gill, Chief Counsel, SBE
* Alex Traverso, Communications Director, SBE
* Rigel Massaro, Deputy Legal Counsel and Deputy Policy Director, SBE
* Laura Rodriguez, Senior Policy Director, SBE
* Sara Pietrowski, Senior Policy Director, SBE
* Debra Brown, Senior Policy Advisor, SBE
* Aileen Allison-Zarea, Education Administrator I, SBE
* Ric Reyes, Education Administrator I, SBE
* Kate Dove, Policy Director, SBE
* Michelle Valdivia, Assistant Policy Director, SBE
* Amy Bubbico, Staff Services Manager, SBE
* Lisa Hopkins, Associate Governmental Program Analyst, SBE
* Haley Gordon, Associate Governmental Program Analyst, SBE
* Mary Nicely, Chief Deputy Superintendent, California Department of Education (CDE)
* Len Garfinkel, General Counsel, CDE
* Erika Torres, Deputy Superintendent, CDE
* Cheryl Cotton, Deputy Superintendent, CDE
* Sarah Neville-Morgan, Deputy Superintendent, CDE
* Alex Moos, Education Policy Administrator I, CDE

**Please note that the complete proceedings of the September 11, 2024 State Board of Education meeting, including closed-captioning, are available online at:** <http://www.cde.ca.gov/be/ag/ag/sbewebcastarchive.asp>

## California State Board of EducationPublic Session September 11, 2024

**Wednesday, September 11, 2024 – 8:30 a.m. Pacific Time ±**California Department of Education
1430 N Street, Room 1101
Sacramento, California 95814

* Call to Order
* Salute to the Flag
* Swearing-in of Student Board Member (Julia Clauson)
* Communications
* Announcements
* Special Presentations
	+ *Public notice is hereby given that special presentations for informational purposes may take place during this session.*
* Agenda Items
* Day’s Adjournment

**President Darling-Hammond called the meeting to order at approximately 8:31 a.m.**

**President Darling-Hammond administered the oath of office to 2024-25 Student Board Member Julia Clauson.**

### AGENDA ITEMS

#### Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board President and liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action,Information

**Summary of the Issue:**

* State Superintendent of Public Instruction’s Report
* State Board of Education President’s Report

**ACTION:** No Action Taken.

#### Item 02

**Subject:** Understanding the Smarter Balanced Summative Assessments for English Language Arts/Literacy and Mathematics Results.

**Type of Action:** Information

**Recommendation:** This item is information only. No specific action is recommended at this time.

**ACTION:** No Action Taken.

#### Item 03

**Subject:** Local Control and Accountability Plan Template – Revision Drafts, Consistent with California Education Code Section 52064.4(a).

**Type of Action:** Information

**Recommendation:** The CDE recommends that the SBE provide direction to implement either Option 1 or Option 2 of the proposed revisions to the LCAP template instructions. No additional action is recommended at this time; however, the CDE requests that the SBE provide feedback regarding the draft LCAP template instructions that incorporate the requirements outlined in SB 153.

The CDE also recommends that the SBE take additional action as deemed necessary and appropriate.

**ACTION:** No Action Taken.

#### Item 04

**Subject:** Follow-up to the July 2024 State Board of Education Study Session on The California Way: Strategies for Supporting Local Educational Agency and School Innovations.

**Type of Action:** Information

**Recommendation:** No specific action is recommended at this time.

**ACTION:** No Action Taken.

### REGULAR CONSENT ITEMS(Item 05 through Item 14)

#### Item 05

**Subject:**  The California Assessment of Student Performance and Progress and the English Language Proficiency Assessments for California: Approval of the Proposed Revised Addendum to the High-Level Test Design for the California Spanish Assessment, which includes the General Achievement Level Descriptors, Test Blueprint, and the Score Reporting Structure; and Updates on Program Activities.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the following:

* Proposed Revised Addendum to the CSA HLTD, which includes the proposed revised CSA General ALDs (Attachment 2)
* Proposed CSA Revised Test Blueprint (Attachment 3)
* Proposed revised CSA Score Reporting Structure (Table 1)

#### Item 06

**Subject:** California Assessment of Student Performance and Progress Regulations—Approve Proposed Amendments to California Code of Regulations, Title 5, Section 855.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the California State Board of Education (SBE) take the following actions:

* Approve the Final Statement of Reasons (FSOR)
* Adopt the proposed regulations
* Direct the CDE to submit the rulemaking file to the Office of Administrative Law (OAL) for approval
* Authorize the CDE to take any necessary ministerial action to respond to any direction or concern expressed by the OAL during its review of the rulemaking file.

#### Item 07

**Subject:** Consideration of Requests for Determination of Funding as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the determination of funding requests from the two charter schools at the levels of funding and for the time periods provided in Attachment 1.

#### Item 08

**Subject:** Consideration of Requests for Determination of Funding with "Reasonable Basis"/Mitigating Circumstances as Required for Nonclassroom-based Charter Schools Pursuant to California Education Code sections 47612.5 and 47634.2, and Associated California Code of Regulations, Title 5.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the determination of funding requests with the consideration of mitigating circumstances for the two charter schools included in this item at 100 percent for a period of two fiscal years (2024–25 through 2025–26), as detailed in Attachment 1.

#### Item 09

**Subject:** Consideration of a Modification of a Funding Determination Pursuant to California Education Code Sections 47612.5 and 47634.2, California Code of Regulations, Title 5 (5 CCR) Section 11963.7, and Associated California Code of Regulations, Title 5.

**Type of Action:** Action, Information, Consent

**Recommendation:** Based on additional financial information received from ASA Charter after the May 2024 SBE meeting, the CDE recommends that the SBE modify ASA Charter’s funding determination for fiscal year 2024–25 through 2027–28 from 100 percent to 85 percent, as detailed in Attachment 1.

#### Item 10

**Subject:** Assignment of a Charter School Number to a Newly Established Charter School, Pursuant to California Education Code Section 47602.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE assign a charter school number to the charter school identified in Attachment 1.

#### Item 11

**Subject:** Request to Approve to Consolidate its American Rescue Plan Act (ARP)/ Elementary and Secondary School Emergency Relief (ESSER) Administrative Funds with its FY 2022 Title I, Part A of Elementary and Secondary Education Act (ESEA) State Administrative Funds and to Request to Approve a Tydings Waiver and Obtain an Extension of Obligation of Its ARP/ESSER Funds to March 31, 2026.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the State Board of Education (SBE) approve a Tydings Waiver to obtain an extension to the obligation of American Rescue Plan Act (ARP)/ Elementary and Secondary School Emergency Relief (ESSER) Funds until March 31, 2026, and approve the funds consolidated as of July 1, 2024, under Title I, Part A of the Elementary and Secondary Education Act (ESEA).

#### Item 12

**Subject:** Reading Difficulties Risk Screener Selection Panel (RDRSSP): Recommendation to Amend Review Process

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve an amendment to the Review Process, which was approved by the SBE on May 8, 2024, pursuant to Attachment 1.

#### Item 13

**Subject:** Approval of Local Educational Agency Plans as Required by the Every Student Succeeds Act through the Completion of the Local Control and Accountability Plan Federal Addendum.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the LEAs’ Addendum list for 2023–24 referenced in Attachment 1.

#### Item 14

**Subject:** Approval of 2024-25 Consolidated Applications.

**Type of Action:** Action, Information, Consent

**Recommendation:** The CDE recommends that the SBE approve the 2024–25 ConApps submitted by LEAs in Attachment 1.

**ACTION:** Member Pattillo Brownson moved to approve the CDE staff recommendations for each regular item on consent (Item 05 through Item 14).

Member Lewis seconded the motion.

**Yes votes:** Members Clauson, Darling-Hammond, Glover Woods, Lewis, McQuillen, Pattillo Brownson, and Rodriguez.

**No votes:** Member Orozco-Gonzalez.

**Members Absent:** None

**Abstentions:** None

**Recusals:** Members Escobedo, Olken, and Yoshimoto-Towery

The motion passed with 7 votes.

#### *END OF REGULAR CONSENT ITEMS*

### REGULAR AGENDA ITEMS CONTINUED

#### Item 15

**Subject:** California Digital Learning Integration and Standards Guidance: Update and Approval of the Revision of Section B: Standards Guidance for Mathematics.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE take the following action: approve the proposed revised Digital Learning Integration and Standards Guidance (DLISG) document that has updated guidance throughout Section B: Standards Guidance for Mathematics to be in alignment with the recently adopted *Mathematics Framework*

**ACTION:** Member Rodriguez moved to approve the CDE staff recommendation.

Member Orozco-Gonzalez seconded the motion.

**Yes votes:** Members Clauson, Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### Item 16

**Subject:** Approve Requests to the United States Department of Education for Waivers of Section 421(b) of the General Education Provisions Act [20 U.S.C. 1225(b)] (Tydings Amendment) for Los Angeles Unified School District to extend the Period for Obligation and Expenditure of Federal Funds through September 30, 2025, as follows: An Initial Waiver for Fiscal Year 2022 Title I, Part A, Title III, and Title IV, Part A funds; and a further Waiver for Fiscal Years 2019, 2020, and 2021 Title I, Part A and Title IV, Part A funds.

**Type of Action:** Action, Information

**Recommendation:** The CDE recommends that the SBE approve the request to ED for a Tydings Amendment waiver to extend the period of availability of LAUSD’s FY 2022 Title I, Part A, Title III, and Title IV Part A funds to September 30, 2025.

CDE also recommends that the SBE approve the requests for Tydings Amendment waivers to extend the period for availability of LAUSD’s FY 2019, 2020, and 2021 Title I, Part A, and FY 2021Title IV Part A funds to September 30, 2025.

**ACTION:** Member Escobedo moved to approve the CDE staff recommendation.

Member Olken seconded the motion.

**Yes votes:** Members Clauson, Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, and Rodriguez.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** Member Yoshimoto-Towery

The motion passed with 10 votes.

### PUBLIC HEARING

#### Item 17

**Subject:** Appeal from an Action of the Monterey County Committee on School District Organization to Approve a Petition to Transfer Territory from the North Monterey County Unified School District to the Lagunita Elementary School District and the Salinas Union High School District in Monterey County.

**Type of Action:** Action, Information, Hearing

**Recommendation:** The CDE recommends that the SBE affirm the action of the County Committee to approve the proposal to transfer territory from the North Monterey County USD to the Lagunita ESD and the Salinas UHSD in Monterey County.

The CDE further recommends that the SBE establish the area proposed for transfer as the election area.

**President Darling-Hammond opened the public meeting at approximately 2:16 p.m.**

**President Darling-Hammond closed the public hearing at approximately 2:47 p.m.**

**ACTION:** President Darling-Hammond moved to not affirm the action of the County Committee to approve the proposal to transfer territory from North Monterey County USD to the Lagunita ESD and the Salinas UHSD in Monterey County.

Member Escobedo seconded the motion.

**Yes votes:** Members Clauson, Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF PUBLIC HEARING*

### WAIVERS/ACTION AND CONSENT ITEMS

*(W-01 through W-14)*

The following agenda items include waivers that are proposed for consent and those waivers scheduled for separate action because CDE staff may have recommended denial or determined that they may present new or unusual issues. Waivers proposed for consent are so indicated on each waiver’s agenda item; however, any board member may remove a waiver from proposed consent and the item may be heard individually. Action different from that recommended by CDE staff may be taken.

Federal Program Waiver (Carl D. Perkins Voc and Tech Ed Act)

#### Item W-01 Federal

**Subject:** Request by **five school districts** for a waiver of Section 131(c)(1) of the Strengthening Career and Technical Education for the 21st Century Act (Public Law 115-224).

Waiver Number:

* Big Valley Joint Unified School District Fed-5-2024
* Colusa Unified School District Fed-1-2024
* Fort Sage Unified School District Fed-4-2024
* Hamilton Unified School District Fed-2-2024
* Surprise Valley Joint Unified School District Fed-3-2024

(Recommended for APPROVAL)

Equity Length of Time (Equity Length of Time)

#### Item W-02 General

**Subject:** Request by **La Mesa-Spring Valley Elementary School District** to waive California *Education Code* Section 37202, the equity length of time requirement, to allow the La Mesa Arts Academy fifth graders during the 2024–25 school year to attend an additional 15 minutes of instruction per day.

Waiver Number: 14-4-2024

(Recommended for APPROVAL)

School Construction Bonds (Bond Indebtedness Limit - Non-Unified after 2000)

#### Item W-03 General

**Subject:** Request by the **Arvin Union School District** to waive California *Education Code* sections 15102 and 15268 to allow the district to exceed its bonded indebtedness limit. Total bonded indebtedness may not exceed 1.25 percent of the taxable assessed valuation of property for elementary school districts. Depending on the type of bond, a tax rate levy limit of $30 per $100,000 of assessed value for elementary school districts may also apply.

Waiver Number: 6-3-2024

(Recommended for APPROVAL WITH CONDITIONS)

School District Reorganization (60 day Requirement to Fill Board Vacancy)

#### Item W-04 General

**Subject:** Request by **Patterson Joint Unified School District** to waive portions of California *Education Code* section 5091, which requires the board of trustees to make an appointment to fill a vacant board position within 60 days of the position becoming vacant.

Waiver Number: 12-4-2024

(Recommended for APPROVAL)

School District Reorganization (60 day Requirement to Fill Board Vacancy)

#### Item W-05 General

**Subject:** Request by **Travis Unified School District** to waive portions of California *Education Code* section 5091, which requires the board of trustees to make an appointment to fill a vacant board position within 60 days of the position becoming vacant.

Waiver Number: 20-3-2024

(Recommended for APPROVAL)

Sale or Lease of Surplus Property (Lease of Surplus Property)

#### Item W-06 General

**Subject:** Request by **Fremont Unified School District** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 6-5-2024

(Recommended for APPROVAL WITH CONDITIONS)

Sale or Lease of Surplus Property (Sale of Surplus Property)

#### Item W-07 General

**Subject:** Request by **Jefferson Union High School District** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 2-5-2024

(Recommended for APPROVAL WITH CONDITIONS)

Sale or Lease of Surplus Property (Sale of Surplus Property)

#### Item W-08 General

**Subject:** Request by **Twin Rivers Unified** **School District** to waive California *Education Code* sections specific to statutory provisions for the sale or lease of surplus property.

Waiver Number: 12-2-2024

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Extended School Year (Summer School))

#### Item W-09 General

**Subject:** Request by **two local educational agencies** to waive *California Code of Regulations,* Title 5, Section 3043(d), which requires a minimum of 20 school days for an extended school year (summer school) for students with disabilities.

Waiver Number:

* South Whittier Elementary School District 11-6-2024
* Hesperia Unified School District 15-4-2024

(Recommended for APPROVAL)

Special Education Program (Child Specific/ NPA or NPS Certification)

#### Item W-10 Specific

**Subject:** Request by the **Lompoc Unified School District** to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Behavioral Health Allies Residential Treatment Center (Behavioral Health Allies), an uncertified nonpublic school for students with disabilities with a residential treatment center, in Kansas City, Missouri.

Waiver Number: 17-3-2024

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Child Specific/ NPA or NPS Certification)

#### Item W-11 Specific

**Subject:** Request by the **Scotts Valley Unified School District** to waive California *Education Code* Section 56366(d), the requirement for state certification, to allow the use of federal and state special education funds for the placement of one high school student with disabilities at the Melmark School Residential Treatment Center, an uncertified nonpublic school for students with disabilities with a residential treatment center, in Berwyn, Pennsylvania.

Waiver Number: 1-2-2024

(Recommended for APPROVAL WITH CONDITIONS)

SPECIAL EDUCATION PROGRAM (Algebra I Requirement for Graduation)

#### Item W-12 Specific

**Subject:** Request by the **Contra Costa County Office of Education** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2023–24 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation. The waiver applies to one student with disabilities based on *Education Code Section* 56101, the special education waiver authority.

Waiver Number: 19-2-2024

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Algebra I Requirement for Graduation)

#### Item W-13 Specific

**Subject:** Request by the **Pleasanton Unified School District** to waive California *Education Code* Section 51224.5(b), the requirement that all students graduating in the 2023–24 school year be required to complete a course in Algebra I (or equivalent) to be given a diploma of graduation. The waiver applies to one student with disabilities based on *Education Code* Section 56101, the special education waiver authority.

Waiver Number: 11-2-2024

(Recommended for APPROVAL WITH CONDITIONS)

Special Education Program (Resource Teacher Caseload)

#### Item W-14 Specific

**Subject:** Request by **Fountain Valley Elementary School District** to waive *Education Code* Section 56362(c), allowing the caseload of one resource specialist to exceed the maximum caseload of 28 students by no more than four students (32 maximum).

Waiver Number: 1-6-2024

(Recommended for APPROVAL WITH CONDITIONS)

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendations for each waiver item on consent (W-01 through W-14).

Member Pattillo Brownson seconded the motion.

**Yes votes:** Members Clauson, Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Members Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF WAIVER CONSENT ITEMS*

### PUBLIC HEARING

#### Item 18

**Subject:** Watsonville Prep: Consider a Request for Material Revision to a Charter to Add a Site.

**Type of Action:** Action, Information, Hearing

**Recommendation:** The CDE recommends that the SBE approve the material revision to the Watsonville Prep charter to add an additional site located at 18 West Beach Street, Watsonville, to its current site (Attachment 1, p. 4).

Inherent to this recommendation, the CDE proposes the following condition: Watsonville Prep must update the revised charter to reflect the SBE as the chartering authority.

The CDE will conduct a pre-opening site visit prior to instruction at the 18 West Beach Street site.

**President Darling-Hammond opened the public meeting at approximately 3:33 p.m.**

**President Darling-Hammond closed the public hearing at approximately 3:38 p.m.**

**ACTION:** Member Glover Woods moved to approve the CDE staff recommendation.

Member Yoshimoto-Towery seconded the motion.

**Yes votes:** Members Clauson, Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** None

**Recusals:** None

The motion passed with 11 votes.

#### *END OF PUBLIC HEARING*

#### Re-Open Item 01

**Subject:** STATE BOARD PROJECTS AND PRIORITIES. Including, but not limited to, future meeting plans; agenda items; and officer nominations and/or elections; State Board appointments and direction to staff; declaratory and commendatory resolutions; Bylaw review and revision; Board policy; approval of minutes; Board President and liaison reports; training of Board members; and other matters of interest.

**Type of Action:** Action, Information

**Recommendation:** The SBE staff recommends that the board approve the Preliminary Report of Actions/Draft Minutes from the July 10-11, 2024 meeting.

**ACTION:** Member Olken moved to approve the Preliminary Report of Actions/Draft Minutes from the July 10-11, 2024 meeting.

Member Pattillo Brownson seconded the motion.

**Yes votes:** Members Darling-Hammond, Escobedo, Glover Woods, Lewis, McQuillen, Olken, Orozco-Gonzalez, Pattillo Brownson, Rodriguez, and Yoshimoto-Towery.

**No votes:** None

**Member Absent:** None

**Abstentions:** Member Clauson

**Recusals:** None

The motion passed with 10 votes.

#### Item 19

**Subject:** GENERAL PUBLIC COMMENT.

Public Comment is invited on any matter not included on the printed agenda. Depending on the number of individuals wishing to address the State Board, the presiding officer may establish specific time limits on presentations.

**Type of Action:** Information

**ACTION:** No Action Taken.

### ADJOURNMENT OF THE MEETING

**President Darling-Hammond adjourned the meeting at approximately 4:19 p.m.**